

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Social Welfare – Appeal petition filed by Sri M.Ravi Krupakar Rao, Postal Assistant, Anantapur District against the Cancellation of the Scheduled Caste Certificate the Proceedings of the District Collector, Anantapur District –Appeal rejected –Orders Issued.

SOCIAL WELFARE (CV-I) DEPARTMENT

GO.Ms.No. 85

Dated:08-12-2010.
Read the following:

- 1.Proceedings of the District Collector, Anantapur, D.Dis.No. MC3/5689, Dated: 09-03-2009.
- 2.Appeal petition of Sri M.Ravi Krupakar Rao, S/o Sri Mark, Anantapur District, dated: 23-06-2009 &27-07-2009.
- 3.MemoNo.9197/C.V-1/2009-4 S.W.Dept., dated: 13-05-2010.
- 4.From the District Collector, Anantapur, Rc.No. MC3/2584/2009, Dated: 21-05-2010.
5. LetterNo.9197/C.V-1/2009-5, S.W Dept., dated: 07-07-2010 and Telegram dated: 07-08-2010

ORDER:

The District Collector, Anantapur has cancelled the Scheduled Caste Certificate of Sri M.Ravi Krupakar Rao vide his Proceedings 1st read above.

2. Aggrieved by the proceedings of the District Collector Sri M.Ravi Krupakar Rao S/o Mark filed an Appeal petition before Government vide reference 2nd read above and submitted the following grounds in support of his claim.

1. None can be subjected to double jeopardy. In his case a departmental inquiry was made and the charges were dropped and there is no ground to initiate fresh case.
2. The interesting fact is that after the close of the first inquiry, the same inquiry officer got appointed as his Disc. Authority and he could not reconcile his acquittal since he was prejudiced or something more and made a report to the Collector, Anantapur. Once acquitted in the inquiry, the acquittal must be treated as final.
3. He further submit that the report of the Collector while canceling the caste certificate starts with the words” he belongs to Mala community”, it is evident that He belong to Mala community has accepted by the Collector, and Mala Community is still recognized as S.C. The inquiry by the Collector was without giving reasonable opportunity. He was not summoned, he was not allowed to produce documentary or oral evidence and he was not even given a show cause notice. The result of such an inquiry is liable to be set aside for being slip shod.
4. He further submit that nobody disputed that he belongs to Mala community, nobody dispute that Mala is not S.C., the only point made out by the Canceling Authority is that his parents are converted to Christianity. Not only Christians but any same man worships Christian which does not mean he is a Christian. Further right to faith is fundamental in Indian Constitution and if his parents or grand parents had the right to come back to Hinduism and he is treated only as a Mala and so it is his fundamental right to claim as a Mala and SC. As long as he says that he is a Hindu, parent cannot dictate faith, in this connection he has furnished the order of the Hon’ble Supreme Court CM Armugham Vs Rajagopal AIR 1976 SC 939 which makes that his right to come back to Hinduism is unfitted and in Hinduism his right to claim Scheduled

Caste is also unfitted since there is no dispute about him that he belonging to Mala community.

5. The inquiry was a farce and worshipping Christ is not a crime as worshipping Saibaba by Hindus is not treated as a crime though Saibaba is not one among the Hindu pantheon, Christ was great, it will not deny but along with Christ, people worship Buddha, Krishna, Mohammed every one who helped the humanity, especially those who took the problem of SCs seriously and even an earthly Ambedkar. But the point is whether belong to Mala community and can his parents change his religion after his adulthood and has he not the fundamental right to come back to his faith and when he says that he is a Hindu, will the Hindu Society accept him as a Brahmin, Kshetriya or Vysya. He is a Hindu and in Hindu society he can be nothing more than a Mala.
3. The Government have admitted the appeal petition and stayed the operation of the proceedings of District Collector and requested the District Collector, Anantapur vide Memo 3rd read above to furnish parawise remarks and connected records for disposal of the case.
4. The District Collector, Anantapur has furnished the relevant records and following Para wise remarks vide reference 4th read above on the Appeal petition filed by Sri M.Ravi Krupakara Rao.

The Revenue Divisional Officer, Anantapur has stated that the ancestors of Sri M.Ravi Krupakara Rao belong to Mala community which comes under Scheduled Caste. But his parents had converted into Christian community and his wife is also worshipping Jesus Christ. The Revenue Divisional Officer, Ananthapur has further reported that his parents' community was established through their Service Registers, as reported by the Mandal Revenue Officer, Guntakal. But the individual in the guise of the SC (Adi-Andhra) school certificates issued by the principal, S.K.P. Government College, Guntakal and Law College, Ananthapur, obtained false caste certificate from the Mandal Revenue Officer, Guntakal without revealing the facts, merely on Transfer certificate and school certificates issued by the College authorities which was issued to Sri M.Ravi Krupakara Rao. Finally, the Revenue Divisional Officer, Ananthapur has concluded that the individual belongs to Christian community and hence the fraudulently obtained 'Adi-Andhra' caste certificate from the then Mandal Revenue Officer, Guntakal should be cancelled and the individual is liable for prosecution for misleading the Government at school levels as well as in his official capacity also.

Many opportunities have been given to the individual for enquiry before the Scrutiny Committee with documentary evidences. The Scrutiny committee has conducted enquiries on 29-09-2008, 01-11-2008, 15-11-2008, 06-12-2008, 20.12.2008, 9.1.2009, 31-01-2009, and 13-02-2009. On 20-12-2008, the individual has filed a Vakalathnama through his advocate. The Joint Collector & Chairman, DLSC denied the vakalathnama and informed the advocate that the vakalat on behalf of the Delinquent Officer will not be entertained in the DLSC. Again, on 13.2.2009, during the committee meeting, the individual has defended through his petition that the form-VI has been signed by the District Revenue Officer and Convener of the DLSC which is not correct. Along with his representation, he has submitted his caste certificate (Xerox copies) issued by the Principal, Govt. Jr College, Guntakal, Study certificate & transfer certificate (Xerox copies) wherein all the certificates, it has been mentioned the caste of the individual as SC Adi-Andhra.

The caste certificate issued to Sri M.Ravi Krupakara Rao, S/o Mark by the Revenue authorities was on the basis of School records, which has no legal validity. On field enquiry, the Mandal Revenue Officer, Guntakal has visited the house of the individual and noticed that their family members are

worshipping Jesus Christ and he has found that their house was decorated for Christmas festival. He has enquired Mrs.Leela Chandra Mary, mother of the individual who is working as P.E.T. in the Railway School and her caste as per service Register is BC-C i.e., Converted Christian. Mr.P.Mark, father of the individual is retired as Head Master and he belongs to Christian community. His wife is native of Kurnool District, and she belongs to Christian community.

During the committee meeting, the individual has not produced any documentary evidences in support of genuineness of his caste certificate. He has no resemblance as he belongs to SC-Mala. He could not explain about the customs of the Mala Community. Sufficient opportunity has been given to him to produce documentary evidence of his genuineness of his caste, but he failed to produce or adduce record of evidence/documents that he belongs to SC-Mala. As per section 6 A.P (SCs, STs and BCs) Regulation of Issue of Community Certificates Act No.16 of 1993, the burden of proving that he belongs to a particular caste he claimed, lies on the individual only. The respondent did not prove his caste and it is established that the individual does not belong to Mala-SC as claimed by him.

5. The case was posted for final hearing on 18-08-2010 before the Appellate Authority and the appellant was present and argued the case and submitted the written arguments.

6. After examination of the proceedings dated: 09-03-2009 of the District Collector, Anantapur, appeal petition and material available with the Government, it is observed that, Sri M.Ravi Krupakar Rao does not belong to Scheduled Caste (Adi-Andhra) Community.

7. The Government, in exercise of the powers conferred u/s 7 of Act No 16 of 1993, decided that the appeal petition filed by Sri M.Ravi Krupakar Rao does not deserve any interference. Hence, Proceedings of the District Collector, Anantapur issued vide D.Dis.No. MC3/5689/2008, dated: 09-03-2009 is upheld and the appeal of Sri M.Ravi Krupakar Rao is hereby rejected.

8. The District Collector, Anantapur is requested to take further necessary action in the matter accordingly.

9. The records furnished by the District Collector, Anantapur vide reference 4th read above (containing pp. 01-95) are returned herewith and he is requested to acknowledge the receipt of the same.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J.RAYMOND PETER
PRINCIPAL SECRETARY TO GOVERNMENT

To

The District Collector, Anantapur (w.e)(With original records)

Sri Ravi Krupakar Rao, Postal Asst., S/o. Sri Mark, Thimmanacherla (V),
Guntakal (M), Anantapur District

Copy to: The P.S. to M (SW)

The P.S. to Principal Secretary (SW)

SF/SC

// Forwarded :: By Order //

SECTION OFFICER